



Entered on Docket
September 16, 2011

Mike K. Nakagawa
Hon. Mike K. Nakagawa
United States Bankruptcy Judge

SCHWARTZER & MCPHERSON LAW FIRM
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Attorneys for Debtor and Debtor in Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

REGAL PLAZA, LLC,

Debtor.

Case No. BK-S-10-26707 BTB

Chapter 11

**FINAL ORDER OF DISMISSAL OF
CHAPTER 11 CASE WITH PREJUDICE**

Hearing Date: September 6, 2011

Hearing Time: 1:30 p.m.

This Court having previously entered a Conditional Order of Dismissal of Chapter 11 Case (the "Conditional Order") [Docket No. 238] and the Court having now been informed by Lenard E. Schwartzer, Esq., of the law firm of Schwartz & McPherson Law Firm appearing on behalf of REGAL PLAZA, LLC ("Debtor") and Brigid M. Higgins, Esq. of Gordon Silver appearing on behalf of creditor NEVADA STATE BANK ("Bank"), that the conditions for final dismissal have been met and good cause appearing,

IT IS HEREBY ORDERED THAT the above-captioned bankruptcy case is dismissed with prejudice.

1 **IT IS HEREBY FURTHER ORDERED THAT**, until the Bank is paid \$5.5 million,
 2 neither the Debtor nor 5831 W. Craig, LLC ("5831") nor any of their insiders pursuant to 11
 3 U.S.C. § 101(31) and/or their affiliates as defined pursuant to 11 U.S.C. § 101(2), including but
 4 not limited to, John L. Carnesale, Louis V. Carnesale, the John L. Carnesale Trust of 1995, Delta
 5 Point LLC, Real Estate Advisors, LLC, Tower Realty & Development, LLC, Taylor Financial,
 6 LLC, Taylor Consultants, LLC, Nevada Underground, LLC, Critical Path Construction, LLC and
 7 Efrem A. Rosenfeld, VI, Inc., shall file or caused to be filed another bankruptcy case of Debtor or
 8 a bankruptcy case of 5831 under any chapter of the Bankruptcy Code for 180 days from the entry
 9 of this order. If the Debtor or 5831 or any of their insiders pursuant to 11 U.S.C. § 101(31) and/or
 10 their affiliates as defined pursuant to 11 U.S.C. § 101(2), including but not limited to, John L.
 11 Carnesale, Louis V. Carnesale, the John L. Carnesale Trust of 1995, Delta Point LLC, Real Estate
 12 Advisors, LLC, Tower Realty & Development, LLC, Taylor Financial, LLC, Taylor Consultants,
 13 LLC, Nevada Underground, LLC, Critical Path Construction, LLC and Efrem A. Rosenfeld, VI,
 14 Inc., does file or cause to be filed a bankruptcy case of the Debtor or 5831 in violation of this
 15 order, the bankruptcy court shall immediately enter an order lifting the automatic stay pursuant to
 16 11 U.S.C. § 362(a) for the benefit of the Bank by a motion heard on shortened time and the 14 day
 17 stay of such order pursuant to Fed.R.B.P. 4001(a)(3) is waived. The Debtor, 5831 and their
 18 insiders pursuant to 11 U.S.C. § 101(31) and/or their affiliates as defined pursuant to 11 U.S.C. §
 19 101(2), including but not limited to, John L. Carnesale, Louis V. Carnesale, the John L. Carnesale
 20 Trust of 1995, Delta Point LLC, Real Estate Advisors, LLC, Tower Realty & Development, LLC,
 21 Taylor Financial, LLC, Taylor Consultants, LLC, Nevada Underground, LLC, Critical Path
 22 Construction, LLC and Efrem A. Rosenfeld, VI, Inc., shall not oppose such motion for relief from
 23 the automatic stay.

24 **IT IS HEREBY FURTHER ORDERED THAT**, if the property, real or personal, of the
 25 Debtor is transferred to an entity other than 5831, until the Bank is paid \$5.5 million, neither that
 26 entity nor any of its insiders pursuant to 11 U.S.C. § 101(31) and/or its affiliates as defined
 27 pursuant to 11 U.S.C. § 101(2), including but not limited to, Debtor, 5831, John L. Carnesale,
 28 Louis V. Carnesale, the John L. Carnesale Trust of 1995, Delta Point LLC, Real Estate Advisors,

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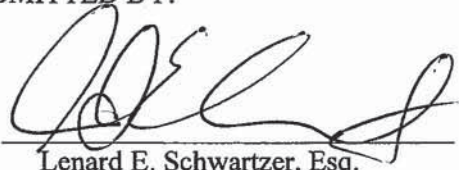
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1 LLC, Tower Realty & Development, LLC, Taylor Financial, LLC, Taylor Consultants, LLC,
2 Nevada Underground, LLC, Critical Path Construction, LLC and Efrem A. Rosenfeld, VI, Inc.,
3 shall file or caused to be filed a bankruptcy case of that entity under any chapter of the
4 Bankruptcy Code for 180 days from the entry of this order. If that entity, Debtor, 5831, or any of
5 their insiders pursuant to 11 U.S.C. § 101(31) and/or their affiliates as defined pursuant to 11
6 U.S.C. § 101(2), including but not limited to, John L. Carnesale, Louis V. Carnesale, the John L.
7 Carnesale Trust of 1995, Delta Point LLC, Real Estate Advisors, LLC, Tower Realty &
8 Development, LLC, Taylor Financial, LLC, Taylor Consultants, LLC, Nevada Underground,
9 LLC, Critical Path Construction, LLC and Efrem A. Rosenfeld, VI, Inc., does file or caused to be
10 filed a bankruptcy case of that entity in violation of this order, the bankruptcy court shall
11 immediately enter an order lifting the automatic stay pursuant to 11 U.S.C. § 362(a) for the benefit
12 of the Bank by a motion heard on shortened time and the 14 day stay of such order pursuant to
13 Fed.R.B.P. 4001(a)(3) is waived. The Debtor, 5831, that entity and their insiders pursuant to 11
14 U.S.C. § 101(31) and/or their affiliates as defined pursuant to 11 U.S.C. § 101(2), including but
15 not limited to, John L. Carnesale, Louis V. Carnesale, the John L. Carnesale Trust of 1995, Delta
16 Point LLC, Real Estate Advisors, LLC, Tower Realty & Development, LLC, Taylor Financial,
17 LLC, Taylor Consultants, LLC, Nevada Underground, LLC, Critical Path Construction, LLC and
18 Efrem A. Rosenfeld, VI, Inc., shall not oppose such motion.

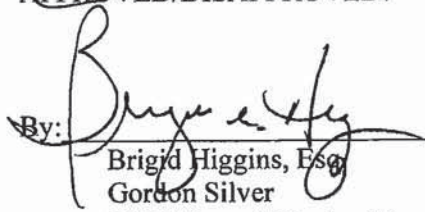
SUBMITTED BY:

APPROVED/DISAPPROVED:

By:


Lenard E. Schwartz, Esq.
The Schwartzer & McPherson Law
Firm
2850 South Jones Blvd., Suite 1
Las Vegas, Nevada 89146
Attorneys for Debtor

By:


Brigid Higgins, Esq.
Gordon Silver
3960 Howard Hughes Pkwy., Ninth Flr.
Las Vegas, NV 89169
Attorneys for Nevada State Bank

1 RULE 9021 CERTIFICATION:

2 In accordance with LR 9021, counsel submitting this document certifies that the order accurately
3 reflects the court's ruling and that:

4 The court has waived the requirement set forth in LR 9021 (b)(1).

5 No party appeared at the hearing or filed an objection to the motion.

6 X I have delivered a copy of this proposed order to all counsel who appeared at the hearing,
7 and any unrepresented parties who appeared at the hearing, and each has approved or
8 disapproved the order, or failed to respond, as indicated below [list each party and whether
9 the party has approved, disapproved, or failed to respond to the document]:

10 Brigid Higgins, Esq,

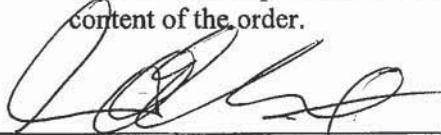
APPROVED

11 Gordon Silver

12 3960 Howard Hughes Pkwy., Ninth Floor

13 Las Vegas, NV 89169

14 I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order
15 with the motion pursuant to LR 9014(g), and that no party has objected to the form or
16 content of the order.

17 

18 Lenard E. Schwartz, Esq.

19 ###

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